

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRL.R.NO. 369-SB of 1996

DATE OF ORDER:27.9.2007

Om Parkash

....Appellant

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE A.N. JINDAL

Present: Mr.Vinod Gupta, Advocate.
Mr. K.S. Godara, D.A.G. Haryana.

A.N. JINDAL,J.

The appellant was tried under Section 15 of the NDPS, Act, for keeping in their possession 14 Kg. Poppy husk and was convicted by the Additional Sessions Judge, Hisar, vide judgment dated 15.12.1995 and sentenced to undergo RI for 10 years and to pay a fine of Rs. 1,00,000/-.

The recovery of 14 kgs of poppy husk was effected on 1.10.1993 by ASI Mohinder Singh, when he was present on Kainchi Chowk, Tohana. The case was registered and investigation was commenced. The appellant was tried and convicted for the aforesaid offence and sentenced accordingly.

The case was registered as far back as in the year 1993, since then the appellant has suffered a lot of agony on account of protracted proceedings. He has already undergone 7 months and 14 days of the substantive sentence. This case relates to a petty recovery of 14 k.g. of poppy husk. No previous bad antecedents have been brought forward by Deputy Advocate General, Haryana, so as to prove that the appellant is a habitual offender. Therefore, the ends of justice would be met if the sentence suffered by him is reduced to the period already undergone.

For the forgoing reasons, the appeal is dismissed with the modification in the sentence so as to reduce the same to the period already undergone.

The copy of the judgment be sent to Chief Judicial Magistrate, Hisar, for compliance.

27.9.2007
rajeev

(A.N. JINDAL)
JUDGE

To be referred to reporter : Yes/no